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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,950	02/04/2002	Michael J. Wookey	P7229	4657

33438 7590 10/18/2005

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EXAMINER

CHANKONG, DOHM

ART UNIT PAPER NUMBER

2152

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/066,950

Applicant(s)

WOOKEY ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1> This action is in response to Applicant's remarks. Claims 16-27 have been cancelled.

Claim 28 has been introduced. Claims 1-15 & 28 are presented for further examination.

2> This is a final rejection.

### *Response to Arguments*

3> Applicant's arguments have been fully considered but they are not persuasive.

Applicant is arguing in substance that the relied upon prior art references do not teach or suggest a remote services architecture which includes a remote services infrastructure wherein the infrastructure controls remote service delivery and provides remote services data management, and a service module which interacts with the remote services infrastructure to provide a specific service wherein the service module is segmented from the infrastructure.

Applicant seems to be basing this argument on the succinct summary of the prior art references provided Applicant in the remarks. It is unclear from Applicant's broad argument exactly why Barry's elements fails to correspond to the elements of claim 1, but in response to the remarks, Examiner will attempt to present a clearer mapping of Barry's innovations to the claimed elements in support of why the rejection is viewed as proper.

Claim 1 references two distinct elements, a remote services infrastructure & a service module. Applicant placed special emphasis on while the service module and services infrastructure interact with one another to provide services, they remain *segmented* from one another within the architecture of the system. Examiner understands the use of the verb

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“segment” in the context of the claim as being analogous to “separate” [see Applicant’s Figure 1 & specification, page 5 «lines 12-14»]. Barry clearly discloses these elements as well as their interactions and placement.

For example, Barry discloses several client applications, or modules, each module responsible for delivering a remote service [column 4 «lines 3-10»]. The modules are integrated into an interface on the client workstation that enable a user to request the remote services from a single location [column 3 «line 64» to column 4 «line 2»]. A user is able to access the remote service through the modules because they interact with a remote services infrastructure that provides delivery and management of the remote services [Figure 1 | Figure 7 | column 16 «lines 23-32» where : in Figure 1, tier 1 represents the client application, tier 2 represents the remote services infrastructure]. Barry’s client application is clearly segmented from the remote services infrastructure; the client application, or module, is located on the client computer, while the middle tier infrastructure is not [see Figure 1, the tiers are segmented, or separated, from one another & Figure 7]. The middle tier governs user interactions with the remote services as well as acting as a mediator between the client application and the back-end remote services [column 4 «lines 15-20» | column 7 «lines 5-9»]. Therefore, it is the Examiner’s interpretation that Barry’s client application, or first tier, corresponds to claimed service module and his middle, or second, tier corresponds to the claimed infrastructure [Figure 1 | column 6 «line 59» to column 7 «line 9»].

Examiner believes that Applicant’s arguments have been fully addressed. Based on the preceding remarks, the rejections for claims 1-15 are maintained.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4> Claim 1-2, 6-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Barry et al.

(6,615,258)

In regards to claim 1, Barry et al. discloses a remote services architecture (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) comprising:

- a remote services infrastructure (16, 18), the infrastructure controlling remote service delivery and providing remote services data management (col. 3 ll. 64-67, col. 4 ll. 1-2,; 20-28, col. 7 ll. 5-12) ; and,
- a service module (20,12,10), the service module interacting with the remote services infrastructure to provide a specific service ( col. 6 ll. 57-67, col. 7 ll. 35-56),
- the service module being segmented from the remote services infrastructure (fig. 1).

5> In regards to claim 2, Barry et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12)

- wherein the service module (20,12,10) includes an administration and notification interface module for providing communication services to customers and service providers to control the remote services infrastructure (col. 3 ll. 42-65 )

6> In regards to claim 6 Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes an infrastructure services portion, the infrastructure services portion interacting with the service module, the infrastructure services portion providing a standard interface for interacting with the service module (c 10 ll. 35-40.

7> In regards to claim 7, Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes: an infrastructure communications portion, the infrastructure communications portion providing an abstraction of a protocol (HTTPS, Email, FTP col. 7 ll. 65-66, col. 8 ll. 1-24, col. 13 ll. 19-26, col. 17 ll. 45-63).

8> In regards to claim 8, Barry et al. discloses the remote services architecture of claim 7 wherein the abstraction of a protocol includes an abstraction of at least one of an HTTP protocol (col. 7 ll. 65-66, col. 8 ll. 1-24) and an email protocol (col. 13 ll. 19-26, col. 17 ll. 45-63)

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In regards to claim 9, Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes: an infrastructure communications portion, the infrastructure communications portion providing physical network communications (col. 3 ll. 46-51 fig. 2, col. 4 ll. 41-44, col. 17 ll. 45-63 i.e. intranet, internet, email).

9> In regards to claim 10, Barry et al discloses the remote services architecture of claim 9 wherein the physical network option includes at least one of Internet based communications (col. 3, ll. 42-51), private network (col. 3 ll. 34-41, ie intranet, extranet), based communications and fax communications (col. 17 ll. 44-63).

10> In regards to claim 11, Barry et al. discloses the remote services architecture of claim 7 wherein the infrastructure communications portion supports a communications module (col. 4 ll. 35-35, col. 8 ll. 2-15, col. 8 ll. 1-10;39-53, fig. 23 e.g. encryption, authentication).

11> In regards to claim 12, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes a communications authentication module, the communications authentication module providing a customer with authentication of a communication session (abs, col. 7 ll. 4-8. col. 15 ll. 13-15, col. 20 ll. 31-41)

12> In regards to claim 13, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes an encryption module, the encryption module providing encryption of a data stream (col. 8 ll. 1-10,39-53).

13> In regards to claim 14, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes a queuing module, the queuing module queuing data sent through the remote services infrastructure to provide data communications integrity (col. 7 ll. 66-67, col. 8 ll. 1-39, col. 10 ll. 13-26).

14> In regards to claim 15, Barry discloses, the remote services architecture of claim 11 wherein the communications module includes a prioritization module, the prioritization module prioritizing for delivery data within the remote services infrastructure (col. 59 ll. 61-67, col. 60 ll. 1-25 e.g. bandwidth, load balancing).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15> Claim 3, 4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Conner et al. (US 6,816,882)



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16> In regards to claim 3, Barry et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12)

wherein the service module includes a registration (e.g. registering users, col. 18 ll. 30-35, col. 20 ll. 48-50 ) and change management (e.g. version management, application launch col. 7 ll. 35-56) module, the registration and change management module supporting the remote services infrastructure and any other service modules deployed on top of the infrastructure .

Barry does not explicitly disclose service module includes an installation module.

Conner et al. discloses:

- wherein the service module includes an installation (col. 11 ll. 2-6, col. 12 ll. 60-63, col. 13 ll. 45-51 col., col. 17 lines 4-20; 26-31), registration (712, col. 13 ll. 20-26, col. 15 ll. 44-46) and change management (i.e. version management col. 9 lines 40-46) module, the installation, registration and change management module supporting the remote services infrastructure (fig. 4) and any other service modules deployed on top of the infrastructure (fig 7).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by having a service module (e.g. installation, registration, change management etc) to also include installation, and registration a modules, as taught by Conner et al. in order to provide the tools and services that support management of the complete lifecycle of a service from installation and configurations, to the monitoring of its operation characteristics such as availability and security to the controlled update of changes (col. 9 ll. 1-11).

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17> In regards to claim 4, Barry et al. et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) as modified above wherein

- the service module includes an integration point into management platforms-(col. 8 ll. 65-67, col. 15 ll. 55-61 ).

Barry et al. is silent on integration into system management platforms modules providing and integrations point into a systems management platform.

Conner et al. disclose a service module include which include an integration into system management platforms module (412;712), the integration into system management platforms module providing an integration point to a systems management platform(col. 8 ll. 65-67, col. 15 ll. 55-61 ).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by service module includes an integration into system management platforms module, as taught by Conner et al. in order accommodate the unique management requirements of network computing across all elements of the system, including users, applications, services, infrastructure, and hardware.

(col. 7 ll. 19-23, col. 8 ll. 65-67)

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18> As to claim 28, as it is does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth in claims 1-4.

19> Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Shah et al. (US 6,243,451))

In regards to claim 5, Barry et al. discloses the remote services architecture of claim 1 above.

Barry et al. does not disclose wherein the service module includes an application program interface for service module creation module, the application program interface for service module creation module providing an interface of abstracted services to a service module creator.

Shah et al. discloses when in the service module application program interface for service module creation module (e.g. service creation environment), the application program interface for service module creation module providing an interface of abstracted services (e.g. service definitions) to a service module creator (e.g. service management system) (col. 3 ll. 48-67, col. 13 ll. 49-64, col. 16 ll. 13-18)

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by having an application program interface for service module creation module, the application program interface for service module creation module providing an interface of abstracted services to a service module creator, as taught by Shah in order to have a flexible service system that provides customized services with minimal software programming (See Shah et al. , col. 2 -5)

*Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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